

**ORDINANCE NO. 4544**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO AMENDING CHAPTER 2.28 OF THE MENDOCINO COUNTY CODE PERTAINING TO THE DUTIES AND RESPONSIBILITIES OF THE COUNTY CHIEF EXECUTIVE OFFICER**

The Board of Supervisors of the County of Mendocino ordains as follows:

**SECTION I**

Chapter 2.28 of Title 2 of the Mendocino County Code is amended to read as follows:

**CHAPTER – 2.28 – COUNTY CHIEF EXECUTIVE OFFICER**

**Sec. 2.44.010 – Statement of Intent.**

(A) There is established the position of Chief Executive Officer (CEO). The duties and responsibilities of the position of CEO are herein specifically defined. The CEO shall act under the supervision of the Board of Supervisors and be subject to its direction. Wherever in Federal or State law reference is made to an administrative officer of a County, the position of CEO shall be deemed to be such officer.

(B) The Board of Supervisors expects the CEO to exercise overall responsibility for sound and effective management of County government, pursuant to Board policy and adopted budget. The Board fully expects the CEO to exercise clear and direct management authority and responsibility, and to hold the CEO specifically accountable.

**Sec. 2.28.020 – Qualifications for Office.**

The CEO shall be chosen upon the basis of knowledge and skills in public administration, demonstrated administrative ability, and knowledge of public budgeting, personnel, finance, and organization. The CEO shall also be chosen on the basis of the person's executive and administrative qualifications with special reference to the person's actual experience in, or the person's knowledge of, accepted practices with respect to the duties of the office as hereinafter set forth. The CEO shall have demonstrated interpersonal communication skills and ability to work well with supervisors and subordinates.

**Sec. 2.28.030 – Position Created.**

The Board of Supervisors has determined the need for a position in Mendocino County, which has the responsibility and authority to manage and administer the affairs of the County, to provide planning which integrates all County activities, and to serve the Board as its chief of staff in both internal and intergovernmental affairs.

**Sec. 2.28.040 – Conditions of Employment.**

(A) The CEO shall be appointed by and serve at the will and pleasure of the Board of Supervisors.

(B) The salary range of the CEO shall be established by the Board of Supervisors. The CEO is granted and entitled to all benefits conferred upon County executive management employees

including, but not limited to: merit salary increases, sick leave, vacation and holidays and the County Employees' Retirement Act.

(C) The CEO shall be subject to performance reviews by the Board of Supervisors, which shall be conducted annually and at such other times as determined by the Board of Supervisors.

**Sec. 2.28.050 – Duties and Responsibilities.**

(A) The CEO is accountable for the effective administration and management of all governmental affairs of the County, which may legally be placed in the CEO's charge and control, by the Board of Supervisors. Nothing in this Section shall preclude or impinge the authority of a majority of the Board of Supervisors from giving direction to the CEO in public session. The primary duties and responsibilities of the CEO shall be to plan, organize, control and direct the overall operation of the County; prepare, present and monitor the County budget; promote County activities and affairs with government and private entities, community organizations, industry and the general public; and serve on various committees and agencies. The CEO shall have authority to require and receive any and all information from any County department that the CEO may deem necessary to fulfill the above-enumerated duties and responsibilities.

(B) Duties and responsibilities of the CEO shall include, but are not limited to, the following:

(1) Policy Formation. The CEO shall develop and recommend policy and policy alternatives to the Board of Supervisors for consideration. It shall be the role of the CEO to advise the Board of Supervisors in the development of policy matters through the analysis, development and presentation of policy alternatives, including the anticipated consequences of such alternatives and the cost-benefit analysis of such alternatives. Furthermore, the CEO shall attend all Board meetings and advise on matters of policy and administration; unless excused by the Chair.

(2) Policy Implementation. The CEO shall implement the policies adopted by the Board of Supervisors and shall ensure they are properly distributed and explained to all affected personnel.

(3) Departmental Duties and Responsibilities. To the extent permitted by law, the CEO shall:

(a) Be authorized to assign or delegate the administration of duties to any CEO designee within the CEO's office.

(b) Receive projects that the Board of Supervisors has directed to the CEO for action, and refer those projects to the appropriate department.

(c) Monitor and report to the Board regarding the performance of County departments.

(d) Evaluate all proposed departmental programs and recommend those to the Board of Supervisors for approval the CEO feels should be approved or modified; periodically evaluate existing departmental programs and recommend changes to the Board for approval where they are indicated.

(e) Evaluate departmental organizations on a continuous basis, subject to the limitations of state law or the directives of the Board of Supervisors; with prior Board approval, initiate changes in interdepartmental organizations and structure.

- (f) Authorize budgeted out-of-County travel and in-County business expense in accordance with rules and regulations based upon policies established by the Board.
  - (g) Evaluate the performance of non-elected department heads, except the County Counsel, and recommend to the Board of Supervisors compensation in accordance with demonstrated performance and confer with department heads as necessary to discuss any shortcomings noted and to suggest remedial action utilizing a 360 evaluation process.
  - (h) Recommend to the Board of Supervisors the appointment, suspension, or other discipline, or the dismissal of any department head appointed to by the Board of Supervisors.
  - (i) Appoint, transfer, discipline, suspend or dismiss, as appropriate, any non-elected department head who is not required by statute to be appointed by the Board of Supervisors.
  - (j) Meet on a regular basis with each department head for the purpose of communicating County policies and issues.
  - (k) Promote the development of team management systems within the County organization and strive to develop leadership opportunities among department heads so as to build a management team, which can plan for and respond to future challenges.
- (4) Management of the County's Executive Office. The CEO, through its Executive Office, shall coordinate the activities of all County departments, preparing recommendations to the Board and executing the Board directives as they relate to the departmental operations. The Executive Office personnel, under direction of the CEO, shall also provide support, advice and assistance to all County departments. The CEO shall serve as a problem-solver, coordinator, mediator or other role(s) as determined appropriate by the Board of Supervisors in serving the needs of each County department and County government overall.
- (5) Provide support to the Board of Supervisors. The CEO and Executive Office personnel shall provide support to the Board of Supervisors.
- (a) The CEO, under the direction of the Board of Supervisors, shall represent the Board of Supervisors and the County generally in public relations, at the local level, regionally, Federal and in County-State matters.
  - (b) As staff to the Board, the CEO shall endeavor to have Board agenda requests be complete and that relevant information is available for effective decision-making. The CEO furthermore has authority to request and receive justification of an item from a department head, as the CEO deems appropriate to effectively and efficiently conduct County business.
  - (c) The CEO shall report to the Board of Supervisors, not less than semiannually, the status of the budget expenditures and revenues, as available within the main enterprise system, and recommend adjustments as necessary.
  - (d) All requests for changes in the annual budget shall first be submitted to the CEO who shall transmit them to the Board of Supervisors together with recommendation.
- (6) Legislative Activity. The CEO shall monitor legislative matters as they relate to County and local government, economic development, and other County issues. It is expected that individual Board members should have ready access to legislative matters, including current, pending and

proposed matters, through and with assistance of the CEO and Executive Office personnel. Furthermore, the CEO shall perform legislative analysis and coordinate the development of recommendations to the Board concerning legislative activities.

(7) **Employee Bargaining.** The CEO shall participate as necessary with the designated Board employer-employee representative in the meet-and-confer process with employee representatives.

(8) **Emergency Services.** The CEO serves as the Director of Emergency Services and exercises control of County government in extreme emergencies when there is not sufficient opportunity for the Board of Supervisors to act, hire necessary extra personnel and purchase necessary supplies and equipment to meet such emergencies.

(9) **Administrative Policy Manual.** The CEO shall supervise and direct the preparation and maintenance of a County administrative policy manual which sets forth the policies and procedures of the Board of Supervisors regarding the administrative affairs of the County.

(10) **Budget.** As the County budget officer, the CEO shall supervise and direct the preparation of the annual County budget. In the performance of this duty the CEO shall review and evaluate all departmental request and all items in the proposed budget including expenditures, revenues and reserves. The CEO shall submit the proposed budget to the Board of Supervisors together with a written report and recommendations which shall be based on Board of Supervisors policy direction, revenue projections, budget targets, and proposed goals, objectives, work programs and projects developed by the various departments.

(11) **Clerk of the Board.** The CEO serves as the Clerk of the Board of Supervisors. The Clerk of the Board of Supervisors shall have those powers and duties specifically prescribed to that office by the California Government Code and such additional powers and duties specifically assigned by the Board of Supervisors.

(12) **Purchasing Agent.** The Purchasing Agent shall be the Chief Executive Officer of the County or their designee. The Purchasing Agent shall have the duties and powers prescribed by the laws of the State of California relating to the County Purchasing Agent.

#### **Sec. 2.28.060 – Removal from Office.**

(A) The CEO may be removed from office if the removal occurs in accordance with the following procedures.

(1) **Removal Without Notice.** The Board of Supervisors may remove the CEO from office without notice providing not less than four of the five Supervisors vote in the affirmative for such removal.

(2) **Removal with Notice.** In all other cases, the CEO shall be entitled to a notice of at least three (3) months if the Board of Supervisors intends to remove said CEO from office. Alternatively, the Board, in its sole discretion and by simple majority vote, may provide written notice immediately relieving the CEO of his/her duties and placing the CEO on a three (3) month paid leave of absence commencing the day following the effective date of removal. Compensation during the above three (3) month leave shall include any salary adjustments and employee benefits that may occur during that period of time.

(B) Notwithstanding subsection (A) of this Section, the CEO may not be removed from office during the first ninety (90) days following the effective date of any change in the membership of the Board of Supervisors unless all five sitting Supervisors vote in the affirmative for such removal.

(C) In the event that this Chapter is, at a future date, modified or repealed, the rights granted in this Section shall be vested to the CEO so appointed or holding office prior to any such modification.

#### **Sec. 2.28.070 – Other Relationships to County Officers and Department Heads.**

(A) Information and Cooperation. Each County officer or department head, upon request of the CEO, shall provide any record or other information relating to the administrative operation of such department and shall otherwise cooperate in the review or investigation of the administrative operation of such department. Each County officer or department head shall promptly comply with any written directive by the CEO relating to the use of personnel, equipment or facilities of such office or administrative procedures relating thereto.

(B) Conduit to Board. All requests by department heads for Board action shall be through the CEO. If the CEO makes a recommendation which is adverse to the request, the CEO shall notify the officer or department head of the time when the same will be presented to the Board and the officer or department head may either withdraw the request before its presentation to the Board or he/she may appear before the Board and be heard.

(C) Contact with Board. Except for requests that a time be agendized for Board consideration and action, nothing contained in this Chapter shall be construed as restricting the ability of the County officers or department heads from contacting Board members directly.

### **SECTION II.**

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

### **SECTION III.**

All former ordinances and resolutions, or parts thereof, or inconsistent with the provisions of this ordinance are hereby superseded by the Ordinance. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted or deposited pursuant to such ordinance.

### **SECTION IV.**

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this 11<sup>th</sup> day of March, 2025, by the following roll call vote:

AYES: Supervisors Cline, Mulheren, Haschak, Norvell, and Williams  
NOES: None  
ABSENT: None

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: DARCIE ANTLE  
Clerk of the Board

\_\_\_\_\_  
JOHN HASCHAK, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

*APPROVED AS TO FORM:*  
CHARLOTTE E. SCOTT  
County Counsel

BY: DARCIE ANTLE  
Clerk of the Board

\_\_\_\_\_  
Deputy